

APPEAL NO. 021578
FILED JULY 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 21, 2002. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) impairment rating (IR) is 14% as assigned by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appealed, and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant reached maximum medical improvement on August 7, 2001. A referral doctor assigned the claimant a 28% IR. The designated doctor chosen by the Commission assigned the claimant a 14% IR and responded to a Commission request for clarification. The IR report of the designated doctor chosen by the Commission has presumptive weight and the Commission must base the IR on that report unless the great weight of the other medical evidence is to the contrary. Section 408.125(e). The hearing officer considered the conflicting evidence and determined that the great weight of the other medical evidence is not contrary to the IR assigned by the designated doctor. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEMS
350 N. ST. PAUL STREET
SUITE 2900
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Michael B. McShane
Appeals Judge